

GOLD KING MINE, COLORADO

TOPIC: Status of EPA's ongoing efforts related to the Gold King Mine (GKM) release

STATUS:

- EPA continues to treat all water flowing from the Mine, about 600 gallons per minute.
- In 2017, a flow control structure was installed near the entrance to the mine to help meter the flow of water.
- In 2018, we will continue to treat all water from the Gold King Mine.
- The Gold King Mine is one of 46 mine features and two study areas identified in the Bonita Peak Mining District which was included on the National Priorities List in September 2016. We are currently undertaking the Remedial Investigation for the mining district.

TALKING POINTS:

Deliberative Process / Ex. 5

BACKGROUND:

- Each year 300 million gallons of contaminated waters are released into Cement Creek a tributary of the Animas River due to the area's historic mining operations.
- The GKM is part of the Bonita Peak Mining District (BPMD). The EPA added BPMD to the National Priorities List in September 2016. Sunnyside Gold Company filed a petition for review of the placement of BPMD on the NPL. This petition is with the U.S. Court of Appeals for the D.C. Circuit.
- **Sampling:** In January 2017, the EPA released a final report on the transport and fate of metals in the rivers and confirmed water quality has returned to pre-event conditions and that metals contamination has moved through to Lake Powell. Water quality was further confirmed by preliminary sediment sampling and 2017 snowmelt sampling, the result of which were released on January 4, 2018. The U.S. Geological Survey and state partners will be studying core samples from Lake Powell to evaluate metal contamination in the sediments.
- **Tort Claims:** In January 2017, an EPA claims officer ruled that, since the agency was undertaking a CERCLA discretionary activity at the time of release, the circumstances do not meet conditions necessary to pay claims filed under the Federal Tort Claims Act. A review of this decision is underway.
- **Response Claims:** In March 2017, the EPA issued guidelines to its regional offices for determining the eligibility of GKM costs incurred by state, Tribal, and local governments under the December 2016 Water Infrastructure Improvements for the Nation Act. EPA is working with states and tribes to coordinate a multi-faceted watershed site monitoring program to begin in 2018 with the \$4 million authorized through the WIIN Act.